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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/043,547 | 01/11/2002 | James W. Dominico | 303/1/010 | 7338 |

7590

05/13/2004

Richard M. Goldberg
Suite 419
25 East Salem Street
Hackensack, NJ 07601

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| EXAMINER |
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PURVIS, SUE A

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| ART UNIT | PAPER NUMBER |
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1734

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,547

Applicant(s)

DOMINICO, JAMES W.

Examiner

Sue A. Purvis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20,23,24,27 and 28 is/are allowed.
- 6) ☒ Claim(s) 21,22,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The affidavit filed on 20 February 2004 under 37 CFR 1.131 is sufficient to overcome the Dewig et al. reference.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21, 22, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Gantz (US Patent No. 1,956,862).

Gantz discloses a machine for printing on envelopes (containers) and applying stamps (labels) thereto. The machine includes a printing device having a printing station for applying printing ink in an image onto an exterior surface of the envelope, and a stamp applying device for applying a stamp to an area of the envelope on which no ink applied, when the envelope is at the printing station.

Regarding claims 22 and 26, the stamp applying device applies a label to said area of the container on which no ink is applied, substantially simultaneously with printing of the exterior surface of the container.

Allowable Subject Matter

4. Claims 1-20, 23, 24, 27, and 28 are allowed.

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5. The following is an examiner's statement of reasons for allowance:

- a. Claims 1-11 detail a machine for printing on containers and applying labels thereto which include a printing blanket, inking assemblies, a support drive, a mandrel drive, a label applying device, and a control arrangement. In particular, the examiner was unable to find a teaching, besides Dewig (which the applicant has overcome with an affidavit), with all these features which includes a label applying device for applying a label to the container substantially simultaneously with printing on the surface of the container.
- b. Claims 12-20 detail the method for printing and applying the labels to a container including the steps of applying ink to a blanket, positioning the containers, moving the mandrels to the printing station, rotating the mandrels, applying a label to the container and controlling the printing and applying of the such that they occur at approximately the same time. In particular, the examiner was unable to find a teaching, besides Dewig (which the applicant has overcome with an affidavit), with all these features which includes a label applying device for applying a label to the container substantially simultaneously with printing on the surface of the container.
- c. Regarding claims 23, 24, 27, and 28, these claims detail a method and a machine capable of printing onto a container and also applying a label onto the container at an area not printed on while the container is at the printing station. The machine also includes a moveable support and a control arrangement. Prior art fails to teach or suggest this combination of features. Bhatia et al. (US Patent No. 5,173,988) discloses marking and labeling a container, but the marking (printing) of the container occurs at a separate station than the labeling and there is no reason or suggestion for having the labeling and printing to occur at a single station.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Sue A. Purvis', with a long horizontal stroke extending to the right.

Sue A. Purvis
Primary Examiner
Art Unit 1734

SP
May 11, 2004